

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DEREK MORTLAND,**

**Plaintiff,**

**-vs-**

**LOCAL CANTINA DUBLIN LLC,**

**Defendant.**

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: **Case No. 2:19-cv-01123**

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: **Chief Judge Algenon L. Marbley**

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: **Magistrate Judge Vascura**

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**ORDER**

This matter is before the Court on Defendant's Motion for Summary Judgement. (ECF No. 21). On March 25, 2020, this Court granted Plaintiff's motion to stay briefing of Defendant's summary judgment motion until Plaintiff had adequate time to gather evidence necessary for responding to that motion. This Court ordered the parties to submit a revised schedule, which this Court adopted in its scheduling order on April 30, 2020. (ECF No. 27). That scheduling order specified that discovery would be ongoing throughout the summer, with dispositive motions due October 30, 2020. Accordingly, Defendant's Motion for Summary Judgement is premature. *See* Fed. R. Civ. P. 56(d). Defendant's Motion for Summary Judgment is **DENIED** without prejudice to its refiling upon the close of discovery.

**IT IS SO ORDERED.**

  
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**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: May 11, 2020**